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PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 26th June, 2025

No. RPB/Act-14/2025/E:- The Following Act of Parliament is republished for general information:-

Government of India

Ministry of Law and Justice

Legislative Department

New Delhi, the 5th April, 2025/Chaitra 15, 1947 (Saka)

The following Act of Parliament has received the assent of the President on the 5th April, 2025 is hereby published for general information:-

THE WAQF (AMENDMENT) ACT, 2025

No. 14 of 2025

[*5th April,* 2025.]

An Act further to amend the Waqf Act, 1995.

Be it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Waqf (Amendment) Act, 2025.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1.

43 of 1995.

2. In section 1 of the Waqf Act, 1995 (hereinafter referred to as the principal Act), in sub-section (*1*), for the word "Waqf", the words "Unified Waqf Management, Empowerment, Efficiency and Development" shall be substituted.

Amendment of section 2.

3. In section 2 of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

"Provided further that nothing in this Act shall, notwithstanding any judgement, decree or order of any court, apply to a trust (by whatever name called) established before or after the commencement of this Act or statutorily regulated by any statutory provision pertaining to public charities, by a Muslim for purpose similar to a waqf under any law for the time being in force.".

Amendment of section 3.

4. In section 3 of the principal Act,—

(*i*) after clause (*a*), the following clause shall be inserted, namely:—

'(*aa*) "Aghakhani waqf" means a waqf dedicated by an Aghakhani waqif;';

(*ii*) after clause (*c*), the following clause shall be inserted, namely:—

'(*ca*) "Bohra waqf" means a waqf dedicated by a Bohra waqif;';

(*iii*) after clause (*d*), the following clause shall be inserted, namely:—

'(*da*) "Collector" includes the Collector of land-revenue of a district, or the Deputy Commissioner, or any officer not below the rank of Deputy Collector authorised in writing by the Collector;';

(*iv*) after clause (*f*), the following clauses shall be inserted, namely:—

'(*fa*) "Government Organisation" includes the Central Government, State Governments, Municipalities, Panchayats, attached and subordinate offices and autonomous bodies of the Central Government or State Government, or any organisation or Institution owned and controlled by the Central Government or State Government;

(*fb*) "Government property" means movable or immovable property or any part thereof, belonging to a Government Organisation;';

(*v*) in clause (*i*), the words ", either verbally or" shall be omitted;

(*vi*) after clause (*k*), the following clause shall be inserted, namely:—

'(*ka*) "portal and database" means the waqf asset management system or any other system set up by the Central Government for the registration, accounts, audit and any other detail of waqf and the Board, as may be prescribed by the Central Government;';

(*vii*) for clause (*l*), the following clause shall be substituted, namely:—

'(*l*) "prescribed" means prescribed by rules made under this Act;';

(*viii*) clause (*p*) shall be omitted;

(*ix*) in clause (*r*),—

(*a*) in the opening portion, for the words "any person, of any movable or immovable property", the words "any person showing or demonstrating that he is practising Islam for at least five years, of any movable or immovable property, having ownership of such property and that there is no contrivance involved in the dedication of such property," shall be substituted;

(*b*) sub-clause (*i*) shall be omitted;

(*c*) in sub-clause (*iv*), after the word "welfare", the words ", or maintenance of widow, divorced woman and orphan, if waqif so intends, in such manner, as may be prescribed by the Central Government," shall be inserted;

(*d*) in the long line, for the words "any person", the words "any such person" shall be substituted;

(*e*) the following proviso shall be inserted at the end, namely:—

"Provided that the existing waqf by user properties registered on or before the commencement of the Waqf (Amendment) Act, 2025 as waqf by user will remain as waqf properties except that the property, wholly or in part, is in dispute or is a government property;".

Insertion of new sections 3A, 3B, 3C, 3D and 3E.

5. After section 3 of the principal Act, the following sections shall be inserted, namely:—

Certain conditions of waqf.

"3A. (*1*) No person shall create a waqf unless he is the lawful owner of the property and competent to transfer or dedicate such property.

(*2*) The creation of a waqf-alal-aulad shall not result in denial of inheritance rights of heirs, including women heirs, of the waqif or any other rights of persons with lawful claims.

Filing of details of waqf on portal and database.

3B. (*1*) Every waqf registered under this Act, prior to the commencement of the Waqf (Amendment) Act, 2025, shall file the details of the waqf and the property dedicated to the waqf on the portal and database, within a period of six months from such commencement:

Provided that the Tribunal may, on an application made to it by the mutawalli, extend such period of six months under this section for a further period not exceeding six months as it may consider appropriate, if he satisfies the Tribunal that he had sufficient cause for not filing the details of the waqf on the portal within such period.

(*2*) The details of the waqf under sub-section (*1*), amongst other information, shall include the following, namely:—

(*a*) the identification and boundaries of waqf properties, their use and occupier;

(*b*) the name and address of the creator of the waqf, mode and date of such creation;

(*c*) the deed of waqf, if available;

(*d*) the present mutawalli and its management;

(*e*) the gross annual income from such waqf properties;

(*f*) the amount of land-revenue, cesses, rates and taxes annually payable in respect of the waqf properties;

(*g*) an estimate of the expenses annually incurred in the realisation of the income of the waqf properties;

(*h*) the amount set apart under the waqf for—

(*i*) the salary of the mutawalli and allowances to the individuals;

(*ii*) purely religious purposes;

(*iii*) charitable purposes; and

(*iv*) any other purposes;

(*i*) details of court cases, if any, involving such waqf property;

(*j*) any other particular as may be prescribed by the Central Government.

Wrongful declaration of waqf.

3C. (*1*) Any Government property identified or declared as waqf property, before or after the commencement of this Act, shall not be deemed to be a waqf property.

(*2*) If any question arises as to whether any such property is a Government property, the State Government may, by notification, designate on Officer above the rank of Collector (hereinafter referred to as the designated officer), who shall conduct an inquiry as per law, and determine whether such property is a Government property or not and submit his report to the State Government:

Provided that such property shall not be treated as waqf property till the designated officer submits his report.

(*3*) In case the designated officer determines the property to be a Government property, he shall make necessary corrections in revenue records and submit a report in this regard to the State Government.

(*4*) The State Government shall, on receipt of the report of the designated officer, direct the Board to make appropriate correction in the records.

Declaration of protected monument or protected area as waqf to be void.

3D. Any declaration or notification issued under this Act or under any previous Act in respect of waqf properties shall be void, if such property was a protected monument or protected area under the Ancient Monuments Preservation Act, 1904 or the Ancient Monuments and Archaeological Sites and Remains Act, 1958, at the time of such declaration or notification. 7 of 1904. 24 of 1958.

Bar of declaration of any land in Scheduled or Tribal area as waqf.

3E. Notwithstanding anything contained in this Act or any other law for the time being in force, no land belonging to members of Scheduled Tribes under the provisions of the Fifth Schedule or the Sixth Schedule to the Constitution shall be declared or deemed to be waqf property.".

Amendment of section 4.

6. In section 4 of the principal Act,—

(*a*) for the marginal heading, the marginal heading "Survey of auqaf." shall be substituted;

(*b*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Any survey of auqaf pending before the Survey Commissioner, on the commencement of the Waqf (Amendment) Act, 2025, shall be transferred to the Collector having jurisdiction and the Collector shall make the survey in accordance with the procedure in the revenue laws of the State, from the stage such survey is transferred to the Collector, and submit his report to the State Government.";

(*c*) sub-sections (*1A*), (*2*) and (*3*) shall be omitted;

(*d*) in sub-section (*4*), in the opening portion, for the words "Survey Commissioner", the word "Collector" shall be substituted;

(*e*) in sub-section (*5*), after the words "Sunni waqf", the words "or Aghakhani waqf or Bohra waqf" shall be inserted;

(*f*) sub-section (*6*) shall be omitted.

Amendment of section 5.

7. In section 5 of the principal Act,—

(*a*) in sub-section (*1*), for the word, brackets and figure "sub-section (*3*)", the word, brackets and figure "sub-section (*1*)" shall be substituted;

(*b*) in sub-section (*2*), after the words "Shia auqaf", the words "or Aghakhani auqaf or Bohra auqaf" shall be inserted;

(*c*) after sub-section (*2*), the following sub-sections shall be inserted, namely:—

"(*2A*) The State Government shall upload the notified list of auqaf on the portal and database within ninety days from the date of its publication in the Official Gazette under sub-section (*2*).

(*2B*) The details of each waqf shall contain the identification, boundaries of waqf properties, their use and occupier, details of the creator, mode and date of such creation, purpose of waqf, their present mutawallis and management in such manner as may be prescribed by the Central Government.";

(*d*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The revenue authorities, before deciding mutation in the land records, in accordance with revenue laws in force, shall give a public notice of ninety days, in two daily newspapers circulating in the localities of such area of which one shall be in the regional language and give the affected persons an opportunity of being heard.";

(*e*) in sub-section (*4*), after the words "time to time", the words "on the portal and database" shall be inserted.

Amendment of section 6.

8. In section 6 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) after the words "Sunni waqf", the words "or Aghakhani waqf or Bohra waqf" shall be inserted;

(*ii*) the words "and the decision of the Tribunal in respect of such matter shall be final" shall be omitted;

(*iii*) in the first proviso, for the words "one year", the words "two years" shall be substituted;

(*iv*) for the second proviso, the following proviso shall be substituted, namely:—

"Provided further that an application may be entertained by the Tribunal after the period of two years specified in the first proviso, if the applicant satisfies the Tribunal that he has sufficient cause for not making the application within such period:";

(*b*) in sub-section (*3*), for the words "Survey Commissioner", the word "Collector" shall be substituted.

Amendment of section 7.

9. In section 7 of the principal Act, in sub-section (*1*),—

(*i*) after the words "Sunni waqf", the words "or Aghakhani waqf or Bohra waqf" shall be inserted;

(*ii*) the words "and the decision of the Tribunal thereon shall be final" shall be omitted;

(*iii*) in the first proviso, for the words "one year" wherever they occur, the words "two years" shall be substituted;

(*iv*) in the second proviso, for the words "Provided further that", the following shall be substituted, namely:—

"Provided further that an application may be entertained by the Tribunal after the period of two years specified in the first proviso, if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period:

Provided also that".

Amendment of section 9.

10. In section 9 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The Council shall consist of—

(*a*) the Union Minister in charge of waqf—Chairperson, *ex officio*;

(*b*) three Members of Parliament of whom two shall be from the House of the People and one from the Council of States;

(*c*) the following members to be appointed by the Central Government from amongst Muslims, namely:—

(*i*) three persons to represent Muslim organisations having all India character and national importance;

(*ii*) Chairpersons of three Boards by rotation;

(*iii*) one person to represent the mutawallis of the waqf having a gross annual income of five lakh rupees and above;

(*iv*) three persons who are eminent scholars in Muslim law;

(*d*) two persons who have been Judges of the Supreme Court or a High Court;

(*e*) one Advocate of national eminence;

(*f*) four persons of national eminence, one each from the fields of administration or management, financial management, engineering or architecture and medicine;

(*g*) Additional Secretary or Joint Secretary to the Government of India dealing with waqf matters in the Union Ministry or department—member, *ex officio*:

Provided that two of the members appointed under clause (*c*) shall be women:

Provided further that two members appointed under this sub-section, excluding *ex officio* members, shall be non-Muslim.".

Amendment of section 13.

11. In section 13 of the principal Act, for sub-section (*2A*), the following sub-section shall be substituted, namely:—

"(*2A*) The State Government may, if it deems necessary, by notification in the Official Gazette, establish a separate Board of Auqaf for Bohras and Aghakhanis.".

Amendment of section 14.

12. In section 14 of the principal Act,—

(*a*) for sub-sections (*1*), (*1A*), (*2*), (*3*) and (*4*), the following sub-sections shall be substituted, namely:—

"(*1*) The Board for a State and the National Capital Territory of Delhi shall consist of, not more than eleven members, to be nominated by the State Government,—

(*a*) a Chairperson;

(*b*) (*i*) one Member of Parliament from the State or, as the case may be, the National Capital Territory of Delhi;

(*ii*) one Member of the State Legislature;

(*c*) the following members belonging to Muslim community, namely:—

(*i*) one mutawalli of the waqf having an annual income of one lakh rupees and above;

(*ii*) one eminent scholar of Islamic theology;

(*iii*) two or more elected members from the Municipalities or Panchayats:

Provided that in case there is no Muslim member available from any of the categories in sub-clauses (*i*) to (*iii*), additional members from category in sub-clause (*iii*) may be nominated;

(*d*) two persons who have professional experience in business management, social work, finance or revenue, agriculture and development activities;

(*e*) Joint Secretary to the State Government dealing with the waqf matters, *ex officio*;

(*f*) one Member of the Bar Council of the concerned State or Union territory:

Provided that two members of the Board appointed under clause (*c*) shall be women:

Provided further that two of total members of the Board appointed under this sub-section, excluding *ex officio* members, shall be non-Muslim:

Provided also that the Board shall have at least one member each from Shia, Sunni and other backward classes among Muslim Communities:

Provided also that one member each from Bohra and Aghakhani communities shall be nominated in the Board in case they have functional auqaf in the State or Union territory:

Provided also that the elected members of Board holding office on the commencement of the Waqf (Amendment) Act, 2025 shall continue to hold office as such until the expiry of their term of office.

(*2*) No Minister of the Central Government or, as the case may be, a State Government, shall be nominated as a member of the Board.

(*3*) In case of a Union territory, the Board shall consist of not less than five and not more than seven members to be nominated by the Central Government under sub-section (*1*).";

(*b*) for sub-section (*6*), the following sub-section shall be substituted, namely:—

"(*6*) In determining the number of members belonging to Shia, Sunni, Bohra, Aghakhani or other backward classes among Muslim communities, the State Government or, as the case may be, the Central Government in case of a Union territory shall have regard to the number and value of Shia, Sunni, Bohra, Aghakhani and other backward classes among Muslim auqaf to be administered by the Board and appointment of the members shall be made, so far as may be, in accordance with such determination.";

(*c*) sub-section (*8*) shall be omitted.

13. In section 16 of the principal Act,— Amendment of section 16.

(*i*) for clause (*a*), the following clauses shall be substituted, namely:—

"(*a*) he is less than twenty-one years of age;

(*aa*) in case of a member under clause (*c*) of sub-section (*1*) of section 14, he is not a Muslim;";

(*ii*) for clause (*d*), the following clause shall be substituted, namely:—

"(*d*) he has been convicted of any offence and sentenced to imprisonment for not less than two years;".

Amendment of section 17.

14. In section 17 of the principal Act, in sub-section (*1*), after the words "shall meet", the words "at least once in every month" shall be inserted.

Omission of section 20A.

15. Section 20A of the principal Act shall be omitted.

Amendment of section 23.

16. In section 23 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) There shall be a full-time Chief Executive Officer of the Board to be appointed by the State Government and who shall be not below the rank of Joint Secretary to the State Government.".

Amendment of section 28.

17. In section 28 of the principal Act, for the words "be responsible for implementation of the decisions of the Board which may be", the words "implement the decision of the Board within forty-five days from the date it is" shall be substituted.

Amendment of section 30.

18. In section 30 of the principal Act, in sub-section (*2*), for the words and figures "section 76 of the Indian Evidence Act, 1872", the words and figures "section 75 of the Bharatiya Sakshya Adhiniyam, 2023" shall be substituted. 1 of 1872. 47 of 2023.

Amendment of section 32.

19. In section 32 of the principal Act,—

(*a*) in sub-section (*2*), in clause (*e*), the *Explanation* and the proviso shall be omitted;

(*b*) in sub-section (*3*), the words "and the decision of the Tribunal thereon shall be final" shall be omitted.

Amendment of section 33.

20. In section 33 of the principal Act,—

(*a*) in sub-section (*4*), in the proviso, the words, brackets and figure "and the Tribunal shall have no power to make any order staying pending the disposal of the appeal, the operation of the order made by the Chief Executive Officer under sub-section (*3*)" shall be omitted;

(*b*) sub-section (*6*) shall be omitted.

Amendment of section 36.

21. In section 36 of the principal Act,—

(*a*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) On and from the commencement of the Waqf (Amendment) Act, 2025, no waqf shall be created without execution of a waqf deed.";

(*b*) in sub-section (*3*),—

(*i*) in the opening portion, for the words "in such form and manner and at such place as the Board may by regulation provide", the words "to the Board through the portal and database" shall be substituted;

(*ii*) for clause (*f*), the following clause shall be substituted, namely:—

"(*f*) any other particulars as may be prescribed by the Central Government.";

(*c*) in sub-section (*4*), the words "or if no such deed has been executed or a copy thereof cannot be obtained, shall contain full particulars, as far as they are known to the applicant, of the origin, nature and objects of the waqf" shall be omitted;

(*d*) for sub-section (*7*), the following sub-sections shall be substituted, namely:—

"(*7*) On receipt of an application for registration, the Board shall forward the application to the Collector having jurisdiction to inquire the genuineness and validity of the application and correctness of any particulars therein and submit a report to the Board:

Provided that if the application is made by any person other than the person administering the waqf, the Board shall, before registering the waqf, give notice of the application to the person administering the waqf and shall hear him if he desires to be heard.

(*7A*) Where the Collector in his report mentions that the property, wholly or in part, is in dispute or is a Government property, the waqf in relation to such part of property shall not be registered, unless the dispute is decided by a competent court.";

(*e*) in sub-section (*8*), the proviso shall be omitted;

(*f*) after sub-section (*8*), the following sub-sections shall be inserted, namely:—

"(*9*) The Board, on registering a waqf, shall issue the certificate of registration to the waqf through the portal and database.

(*10*) No suit, appeal or other legal proceeding for the enforcement of any right on behalf of any waqf which have not been registered in accordance with the provisions of this Act, shall be instituted or commenced or heard, tried or decided by any court after expiry of a period of six months from the commencement of the Waqf (Amendment) Act, 2025:

Provided that an application may be entertained by the court in respect of such suit, appeal or other legal proceedings after the period of six months specified under this sub-section, if the applicant satisfies the court that he has sufficient cause for not making the application within such period.".

Amendment of section 37.

22. In section 37 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in the opening portion, after the word "particulars", the words "in such manner as prescribed by the Central Government" shall be inserted;

(*ii*) in clause (*f*), for the words "provided by regulations", the words "prescribed by the Central Government" shall be substituted;

(*b*) in sub-section (*3*), after the words "land record office shall", the words "before deciding mutation in the land records, in accordance with revenue laws in force, shall give a public notice of ninety days, in two daily newspapers circulating in the localities of such area of which one shall be in the regional language and give the affected persons an opportunity of being heard, then" shall be substituted.

Omission of section 40.

23. Section 40 of the principal Act shall be omitted.

Amendment of section 46.

24. In section 46 of the principal Act, in sub-section (*2*),—

(*a*) for the word "July", at both the places where it occurs, the word "October" shall be substituted;

(*b*) for the words "in such form and containing such particulars as may be provided by regulations by the Board of all moneys received", the words "in such form and manner and containing such particulars as may be prescribed by the Central Government, of all moneys received from any source" shall be substituted.

Amendment of section 47.

25. In section 47 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in clause (*a*),—

(*A*) for the words "fifty thousand rupees", the words "one lakh rupees" shall be substituted;

(*B*) after the words "appointed by the Board", the following shall be inserted, namely:—

"from out of the panel of auditors prepared by the State Government:

Provided that the State Government shall, while preparing such panel of auditors, specify the remuneration to be paid to such auditors;";

(*ii*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) the accounts of the waqf having net annual income exceeding one lakh rupees shall be audited annually, by an auditor appointed by the Board from out of the panel of auditors as specified in clause (*a*);";

(*iii*) in clause (*c*), the following proviso shall be inserted, namely:—

"Provided that the Central Government may, by order, direct the audit of any waqf at any time by an auditor appointed by the Comptroller and Auditor-General of India, or by any officer designated by the Central Government for that purpose.";

(*b*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) On receipt of the report under sub-section (*2*), the Board shall publish the audit report in such manner as may be prescribed by the Central Government.";

(*c*) in sub-section (*3*), both the provisos shall be omitted.

Amendment of section 48.

26. In section 48 of the principal Act,—

(*a*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) The proceedings and orders of the Board under sub-section (*1*) shall be published in such manner as may be prescribed by the Central Government.";

(*b*) in sub-section (*3*), the words, brackets and figure "and the Tribunal shall not have any power to stay the operation of the order made by the Board under sub-section (*1*)" shall be omitted;

(*c*) sub-section (*4*) shall be omitted.

Insertion of new section 50A.

27. After section 50 of the principal Act, the following section shall be inserted, namely:—

Disqualification of mutawalli.

"50A. A person shall not be qualified for being appointed, or for continuing as, a mutawalli, if he—

(*a*) is less than twenty-one years of age;

(*b*) is found to be a person of unsound mind;

(*c*) is an undischarged insolvent;

(*d*) has been convicted of any offence and sentenced to imprisonment for not less than two years;

(*e*) has been held guilty of encroachment on any waqf property;

(*f*) has been on a previous occasion—

(*i*) removed as a mutawalli; or

(*ii*) removed by an order of a competent court or Tribunal from any position of trust either for mismanagement or for corruption.".

Amendment of section 51.

28. In section 51 of the principal Act, in sub-section (*1A*), in the second proviso, for the words and figures "the Land Acquisition Act, 1894", the words and figures "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted.

1 of 1894.

30 of 2013.

Amendment of section 52.

29. In section 52 of the principal Act, in sub-section (*4*), the words "and the decision of the Tribunal on such appeal shall be final" shall be omitted.

Amendment of section 52A.

30. In section 52A of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "rigorous imprisonment", the word "imprisonment" shall be substituted;

(*ii*) in the proviso, for the words "be vested in the Board", the words "be reverted back to the waqf" shall be substituted;

(*b*) sub-section (*2*) shall be omitted;

(*c*) sub-section (*4*) shall be omitted.

Amendment of section 55A.

31. In section 55A of the principal Act, in sub-section (*2*), in the proviso, the words "and the decision of the Tribunal thereon shall be final" shall be omitted.

Amendment of section 61.

32. In section 61 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) clauses (*e*) and (*f*) shall be omitted;

(*ii*) for the long line, the following shall be substituted, namely:—

"he shall, unless he satisfies the court or the Tribunal that there was reasonable cause for his failure, be punishable with a fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees.";

(*b*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) If a mutawalli fails to—

(*i*) deliver possession of any waqf property, if ordered by the Board or the Tribunal;

(*ii*) carry out the directions of the Collector or the Board;

(*iii*) do any other act which he is lawfully required to do by or under this Act;

(*iv*) provide statement of accounts under section 46;

(*v*) upload the details of waqf under section 3B,

he shall be punishable with imprisonment for a term which may extend to six months and also with a fine which shall not be less than twenty thousand rupees but which may extend to one lakh rupees.";

(*c*) in sub-section (*5*), for the words and figures "the Code of Criminal Procedure, 1973", the words and figures "the Bharatiya Nagarik Suraksha Sanhita, 2023" shall be substituted.

2 of 1974.

46 of 2023.

Amendment of section 64.

33. In section 64 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for clause (*g*), the following clause shall be substituted, namely:—

"(*g*) has failed, without reasonable excuse, to maintain regular accounts for one year or has failed to submit, within one year, the yearly statement of accounts, as required by section 46; or";

(*ii*) after clause (*k*), the following clause shall be inserted, namely:—

"(*l*) is a member of any association which has been declared unlawful under the Unlawful Activities (Prevention) Act, 1967."; 37 of 1967.

(*b*) in sub-section (*4*), the words "and the decision of the Tribunal on such appeal shall be final" shall be omitted.

Amendment of section 65.

34. In section 65 of the principal Act, in sub-section (*3*), for the words "As soon as possible", the words "Within six months" shall be substituted.

Amendment of section 67.

35. In section 67 of the principal Act,—

(*a*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) Any person aggrieved by the order made under sub-section (*2*) may, within ninety days from the date of the order, appeal to the Tribunal.";

(*b*) in sub-section (*6*), in the second proviso, the words "and the order made by the Tribunal in such appeal shall be final" shall be omitted.

Amendment of section 69.

36. In section 69 of the principal Act,—

(*a*) in sub-section (*3*), the second proviso shall be omitted;

(*b*) in sub-section (*4*), the following proviso shall be inserted, namely:—

"Provided that no such order shall be made under this sub-section unless a written notice inviting objections from the person likely to be affected and general public, in such manner as may be prescribed by the State Government.".

Amendment of section 72.

37. In section 72 of the principal Act,—

(*a*) in sub-section (*1*), for the words "seven per cent.", the words "five per cent. subject to a maximum amount as may be prescribed by the Central Government" shall be substituted;

(*b*) in sub-section (*7*), the words "and the decision of the Board thereon shall be final" shall be omitted.

Amendment of section 73.

38. In section 73 of the principal Act, in sub-section (*3*), the words "and the decision of the Tribunal on such appeal shall be final" shall be omitted.

Amendment of section 83.

39. In section 83 of the principal Act,—

(*a*) in sub-section (*1*), the following proviso shall be inserted, namely:—

"Provided that any other Tribunal may, by notification, be declared as the Tribunal for the purposes of this Act.";

(*b*) in sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that if there is no Tribunal or the Tribunal is not functioning, any aggrieved person may appeal to the High Court directly.";

(*c*) for sub-section (*4*), the following shall be substituted, namely:—

"(*4*) Every Tribunal shall consist of three members—

(*a*) one person, who is or has been a District Judge, who shall be the Chairman;

(*b*) one person, who is or has been an officer equivalent in the rank of Joint Secretary to the State Government—member;

(*c*) one person having knowledge of Muslim law and jurisprudence—member:

Provided that a Tribunal established under this Act, prior to the commencement of the Waqf (Amendment) Act, 2025, shall continue to function as such until the expiry of the term of office of the Chairman and the members thereof under this Act.";

(*d*) in sub-section (*4A*), the following proviso shall be inserted, namely:—

"Provided that tenure of the Chairman and the member shall be five years from the date of appointment or until they attain the age of sixty-five years, whichever is earlier.";

(*e*) in sub-section (*7*), the words "final and" shall be omitted;

(*f*) for sub-section (*9*), the following sub-section shall be substituted, namely:—

"(*9*) Any person aggrieved by the order of the Tribunal, may appeal to the High Court within a period of ninety days from the date of receipt of the order of the Tribunal.".

Amendment of section 91.

40. In section 91 of the principal Act,—

(*a*) in sub-section (*1*), for the words and figures "the Land Acquisition Act, 1894", the words and figures "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

1 of 1894.

30 of 2013.

(*b*) in sub-section (*3*), for the words and figures "under section 31 or section 32 of the Land Acquisition Act, 1894", the words and figures "under section 77 or section 78 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

1 of 1894.

30 of 2013.

(*c*) in sub-section (*4*),—

(*i*) for the words and figures "under section 31 or section 32 of the Land Acquisition Act, 1894", the words and figures "under section 77 or section 78 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

1 of 1894.

30 of 2013.

(*ii*) for the words "shall be declared void if the Board", the words "shall be kept in abeyance relating to portion of the property claimed by the Board, if the Board" shall be substituted;

(*iii*) the following proviso shall be inserted, namely:—

"Provided that the Collector after hearing the parties concerned shall make the order within one month of the application of the Board.".

Amendment of section 100.

41. In section 100 of the principal Act, for the words "Survey Commissioner", the word "Collector" shall be substituted.

Amendment of section 101.

42. In section 101 of the principal Act,—

(*a*) in the marginal heading and in sub-section (*1*), for the words "Survey Commissioner" occurring at both the places, the word "Collector" shall be substituted;

(*b*) in sub-sections (*1*) and (*2*), for the words and figures "section 21 of the Indian Penal Code", at both the places where they occur, the words, brackets and figures "clause (*28*) of section 2 of the Bharatiya Nyaya Sanhita, 2023" shall be substituted. 45 of 1860. 45 of 2023.

Omission of section 104.

43. Section 104 of the principal Act shall be omitted.

Substitution of new section for section 107.

44. For section 107 of the principal Act, the following section shall be substituted, namely:—

Application of Act 36 of 1963.

"107. On and from the commencement of the Waqf (Amendment) Act, 2025, the Limitation Act, 1963 shall apply to any proceedings in relation to any claim or interest pertaining to immovable property comprised in a waqf.".

Omission of sections 108 and 108A.

45. Sections 108 and 108A of the principal Act shall be omitted.

Insertion of new section 108B.

46. After section 108A as so omitted of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to make rules.

"108B. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, the Central Government may make rules for all or any of the following matters, namely:—

(*a*) the waqf asset management system for the registration, accounts, audit and other details of waqf and Board under clause (*ka*), and the manner of payments for maintenance of widow, divorced woman and orphan under sub-clause (*iv*) of clause (*r*), of section 3;

(*b*) any other particulars under clause (*j*) of sub-section (*2*) of section 3B;

(*c*) the manner in which details of waqf to be uploaded under sub-section (*2B*) of section 5;

(*d*) any other particulars under clause (*f*) of sub-section (*3*) of section 36;

(*e*) the manner in which the Board shall maintain the register of auqaf under sub-section (*1*) of section 37;

(*f*) such other particulars to be contained in the register of auqaf under clause (*f*) of sub-section (*1*) of section 37;

(*g*) form and manner and particulars of the statement of accounts under sub-section (*2*) of section 46;

(*h*) the manner for publishing audit report under sub-section (*2A*) of section 47;

(*i*) the manner of publication of proceedings and orders of Board under sub-section (*2A*) of section 48;

(*j*) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

Amendment of section 109.

47. In section 109 of the principal Act, in sub-section (*2*),—

(*a*) clause (*ia*) shall be omitted;

(*b*) clause (*iv*) shall be omitted;

(*c*) in clauses (*via*) and (*vib*), for the word and figures "section 31" at both the places where they occur, the word and figures "section 29" shall be substituted;

(*d*) after clause (*xviii*), the following clause shall be inserted, namely:—

"(*xviiia*) the manner of giving notice inviting objections under proviso to sub-section (*4*) of section 69;".

Amendment of section 110.

48. In section 110 of the principal Act, in sub-section (*2*), clauses (*f*) and (*g*) shall be omitted.

Sd/-

DR. RAJIV MANI,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,
Secretary to Government.

Signature Not Verified
Signed by:BHOLUSINGH G THAKUR
Date: 2025.07.04 20:59:40 +05:30
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